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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : LIANG HONG, ET AL.
Serial No. : 09/597,016
Filed : June 20, 2000
For : POLLING MEHTODS FOR USE IN A WIRELESS
COMMUNICATION SYSTEM
Group No. : 2686
Examiner : N. H. Ly

MAIL STOP NON-FEE AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION WITH TRAVERSE

No fees are believed to be necessary; however, in the event that any fees are required for the prosecution of this application, please charge any necessary fees to Deposit Account No. 50-0208. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and please charge the fee for this extension to Deposit Account No. 50-0208.

In response to the Restriction and Election Requirement dated January 1, 2004, the applicant responds as follows:

ELECTION WITH TRAVERSE

Claims 1-31 are pending in the present application.

The Examiner has required that the present application be restricted to one of the following groups:

- I. Claims 1-8, 9-17, 22-25, and 26-28.
- II. Claims 18-21.
- III. Claims 29-31

Subject to the following traversal, Applicant elects Group I.

TRAVERSAL OF RESTRICTION

MPEP §803 indicates that a restriction is proper when the inventions are independent or distinct as claimed, and there must be a serious burden on the examiner if restriction is required.

All claims in this application have already been examined, a search has been performed, and a detailed Office Action was issued. MPEP §904 states that “The first search should be such that the examiner need not ordinarily make a second search of the prior art, unless necessitated by amendments to the claims by the applicant in the first reply....” and “The first search should cover the invention as described and claimed, including the inventive concepts toward which the claims appear to be directed.”

The claims were not amended in response to the 7/31/03 Office Action. As a full search and examination of all current claims has already been made, including specifically addressing the independent claims of each of the claim groups defined above, applicant respectfully submits that continued examination of these claims constitutes no additional burden on the Examiner, and certainly not a “serious burden.”

If, however, a proper search and examination of the claims was not made in the previous application, and so an addition burden on the examiner does, in fact exist, and as this case was filed after May 29, 2000, and has been pending for more than three years, Applicant will expect that, on issue, the patent term of this patent be adjusted to reflect the delay in prosecution of this and any divisional applications caused by the failure to identify the necessity for restriction in a timely fashion.

Election has been made, subject to the traversal of the restriction requirement, and reconsideration and allowance are respectfully requested.

SUMMARY

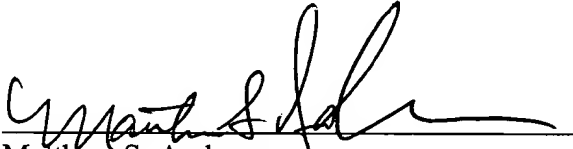
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 2/5/4


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